

No. 25-2120
(assigned to Judges Wardlaw, Mendoza, and Johnstone)

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

NATIONAL TPS ALLIANCE, et al.,
Appellees,

v.

KRISTI NOEM, et al.,
Appellants.

On Appeal from the United States District Court
for the Northern District of California
District Court Case No. 3:25-cv-1766-EMC

**APPELLANTS' REPLY IN SUPPORT OF
MOTION TO STAY CASE**

On October 1, 2025, the Government moved for a stay of this case because the appropriations act that had been funding the Department of Justice expired and those appropriations to the Department lapsed on September 30, 2025. ACMS No. 101. Chief Judge Murguia subsequently issued an order for the Court providing that “[i]f you are a federal . . . attorney with a filing deadline during the shutdown (excluding oral argument scheduling), your filing deadline is stayed, and your due date will be reset by further order of the Court.” Supp. Admin. Order (Oct. 1, 2025). Consequently, federal Appellants-Defendants are prohibited from working, even on a voluntary basis, on this

litigation. 31 U.S.C. § 1342. If the Court “issue[s] specific instructions” with respect to the briefing in this case, Supp. Admin. Order at 1, the Government requests that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations or for the length of time it takes the Court to issue any case specific instructions—i.e., each deadline would be extended by the total number of days since the lapse in appropriations. Appellees will not be prejudiced by a stay because this Court denied the government’s motion for a stay of the district court’s judgment pending appeal, providing them TPS protection during the pendency of this appeal. *Nat'l TPS Alliance v. Noem*, — F.4th —, 2025 WL 2661556 (9th Cir. Sept. 17, 2025).

Respectfully submitted,

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/s/ Jeffrey M. Hartman
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CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 27, I certify that the text of this motion is in double-spaced, proportionally spaced 14-point Garamond type, and the motion contains 243 words in compliance with Ninth Circuit Rule 27-1(d).

/s/ Jeffrey M. Hartman
JEFFREY M. HARTMAN
Trial Attorney
Office of Immigration Litigation
Attorney for Appellants

Dated: October 2, 2025

CERTIFICATE OF SERVICE

I hereby certify that on October 2, 2025, counsel for Appellants electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the ACMS system and that service will be accomplished via the ACMS system.

/s/ Jeffrey M. Hartman
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